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**6 Attorneys for Defendant
Farr Financial, Inc.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HOWARD B. HIGGINS, an individual,)

No. C 07-02200 JSW

Plaintiff,

vs.

FARR FINANCIAL, INC., a California Corporation, ZENITH INVESTMENT GROUP LLC, a California Limited Liability Company, AMAECHI GEORGE OZOR, an individual, and JOHN/JANE DOES I-X, individuals or entities whose identities are unknown,

Defendants.

**STIPULATION AND
PROPOSED ORDER TO
CHANGE OPPOSITION AND
REPLY BRIEFING SCHEDULE
PERTAINING TO DEFENDANT
FARR FINANCIAL, INC.'S
MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

Motion To Dismiss
Hearing Date: Sept. 19, 2008
Time: 9:00 a.m.
Judge: Hon. Jeffery S. White
Ctrm.: 2, 17th Floor
Trial: None Set

Defendant Farr Financial, Inc. ("Farr") and Plaintiff Howard B. Higgins ("Higgins"), hereby stipulate to extend the time for Higgins to file an opposition to Farr's pending motion to dismiss from June 18, 2008, to June 30, 2008, and to extend the time for Farr to file a reply to the opposition from June 25, 2008, to July 15, 2008. The stipulating parties hereby respectfully request an order by this Court approving such extension.

1 Farr filed its motion to dismiss plaintiff's amended complaint on June 2, 2008,
 2 and set a hearing date for September 19, 2008.

3 On June 4, 2008, this Court issued its Order Setting Briefing Schedule. This
 4 order changed the opposition and reply briefing schedule deadlines from those required
 5 under the Northern District's rules to June 18, 2008 for the opposition, and June 25,
 6 2008, for the reply. The Court did not alter the September 19, 2008 hearing date.

7 However, the Court also stated in its order that if the parties wish to modify the
 8 new briefing schedule, they may submit for the Court's consideration a stipulation and
 9 proposed order demonstrating good cause for any modification requested.

10 Good cause to modify the new briefing schedule exists. Lead counsel for Farr,
 11 Howard J. Stein, and counsel for Higgins, did not anticipate that the briefing schedules
 12 would be changed by the Court from late August and early September to June, 2008.
 13 Due to the fact that these counsel have other previously scheduled matters in the month
 14 of June, it would be extremely difficult to adhere to the new briefing schedule set by
 15 this Court. Moreover, granting the requested change to the briefing schedule for the
 16 opposition and reply briefs will not alter any hearing or other matter set by this Court.

17 The only impact that this stipulation and proposed order will have on
 18 this Court's schedule, if it is granted, would be to delay the completion of briefing on
 19 the motion to dismiss, set for hearing on September 19, 2008, from late-June to July
 20 15, 2008. Therefore, the parties respectfully request that the Court grant their
 21 requested alteration of the new briefing schedule.

22
 23 IT IS SO STIPULATED:

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 25 Dated: June 10, 2008

LAW OFFICES OF DEK KETCHUM

26
 27 By:


 28 JAY M. GOLDMAN
 Attorneys for Defendant Farr Financial, Inc.

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2 Dated: June 7, 2008
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M. VAN SMITH, ESQ.

4 By: M. Van Smith

5 M. VAN SMITH
Attorney for Plaintiff Howard B. Higgins

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8 **ORDER**

9 Good cause appearing, IT IS SO ORDERED that the time for plaintiff Howard
10 B. Higgins ("Higgins") to file its opposition to defendant Farr Financial, Inc.'s motion
11 to dismiss Higgins' amended complaint is hereby GRANTED. Higgins' opposition to
12 the motion to dismiss shall be due by June 30, 2008, and Farr's reply, if any, shall be
13 due by July 15, 2008.

14 Dated: June 11, 2008
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16 Jeffrey S. White
17 HON. JEFFREY S. WHITE
United States District Judge

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